

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JAMAR A.MCCULLOUGH Petitioner)
v.)
JOHN E. WETZEL, Secretary, Pennsylvania)
Department of Corrections;)
JEROME R. WALSH, Superintendent,)
State Correctional Institution at)
Dallas,)
Respondents) C.A. No.

MOTION FOR APPOINTMENT OF FEDERAL HABEAS CORPUS COUNSEL

Pursuant to 28 U.S.C. § 1915(d), Petitioner, JAMAR MCCULLOUGH , an indigent life-sentenced prisoner, seeks appointment of federal habeas corpus counsel, and in support of this Motion, Petitioner states the following:

1. Petitioner, JAMAR A. McCULLOUGH, is in the custody of the Commonwealth of Pennsylvania in the State Correctional Institution at Dallas, under sentence of life imprisonment for the Philadelphia County conviction for murder and related charges, in Case No. CP9707-0010

2. On June 25, 2012, the United States Supreme Court decided Miller v. Alabama, 567 U.S. ___, 132 S.Ct. 2455 (2012), finding that the mandatory imposition of a life without the possibility of parole sentence for a juvenile convicted of homicide violates the Eighth Amendment's ban on cruel and unusual punishment. Petitioner was born on July 15 1979 , and was 17 -years-old at the time of his homicide offense. He is affected by the Miller holding.

3. On July 20, , 2010 , Petitioner filed a pro se motion for post-conviction relief in state court, arguing his sentence is unconstitutional based on Miller, and that his petition is timely because Miller recognized a new rule of law. Counsel has not be appointed, and that motion has not yet been decided by the common pleas court.

4. Petitioner is filing a motion for authorization to file a second or successive petition for writ of habeas corpus now, in light of Pace v. DiGuglielmo, 544 U.S. 408 (2005), relating to equitable tolling.

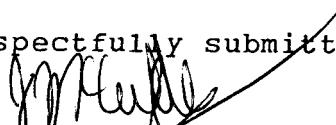
5. Petitioner is indigent. See Financial Affidavit, attached as Exhibit 1 to this Motion. Petitioner is without gainful employment and has no other source of income or assets. 28 U.S.C. § 1915(d).

6. Based on Miller and all it said about youth and requires before a life-without-parole term may be imposed on a juvenile, this case warrants the appointment of counsel.

7. Petitioner therefore seeks the appointment of counsel for purposes of this litigation.

WHEREFORE, Petitioner respectfully requests the Court appoint counsel for Petitioner in these habeas corpus proceedings. (A proposed order accompanies this request).

Respectfully submitted,


JAMAR McCULLOUGH

SCI Dallas
1000 Follies Road
Dallas, PA 18612

Dated: 6/14 /13

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)
Respondents)

ORDER

AND NOW, this day of , 2013, the above-named petitioner having satisfied the Court that he is indigent, and seeking appointment of counsel, it is

ORDERED that is hereby appointed pursuant to 18 U.S.C. § 1915(d) to represent said petitioner in this matter. This appointment shall remain in effect until termination of this case or until substitute counsel is appointed.